

**ORDER OF AN EXECUTIVE OFFICER
CLOSED FOR TENANT ACCOMMODATION PURPOSES
ORDER TO VACATE**

To: Henry Rutkowski
“the owner”

And To: All Occupant(s) of the following Housing premises:

RE: The “housing premises” located in Edmonton, Alberta and municipally described as:
Suite 2, 12103 – 66 Street, Edmonton Alberta

WHEREAS I, an **Executive Officer** of **Alberta Health Services**, have inspected the above noted premises pursuant to the provisions of the **Public Health Act**, RSA 2000, c. P-37, as amended;

AND WHEREAS such inspection disclosed that the following conditions exist in and about the above noted premises which are or may become injurious or dangerous to the public health or which might hinder in any manner the prevention or suppression of disease, namely:

Suite 2

- a. The storm window pane was missing from the west window.
- b. Insect screens were not installed in the windows that were intended for ventilation.
- c. The east window was not capable of being secured.
- d. The ceiling was in disrepair throughout the suite: there was a hole and water damage in the west room ceiling from a previous water leak, and paint was peeling on the east/kitchen room ceiling.
- e. Carpet was installed in the kitchen food preparation area, which can provide harbourage to dirt, grease, vermin and bacteria and cannot be easily kept clean.
- f. The suite was not supplied with an operational smoke alarm.
- g. The kitchen counter was damaged and could not be easily cleaned.
- h. There was evidence of a mouse infestation.

Common Areas

- i. There was a hole (approx ½ ft by 1 ft) in the south wall inside the common main floor entrance at the base of the stairs.
- j. The bathroom sink in the shared bathroom was chipped, and was not smooth and easily cleaned.
- k. The shower stall in the shared bathroom was rusting, and was not smooth and easily cleaned.
- l. There was a large amount of dirt and debris noted in the vents/ducting.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Housing Regulation, Alberta Regulation 173/99, and the Minimum Housing and Health Standards exist in and about the above noted premises, namely:

Suite 2

- a. The storm window pane was missing from the west window which is in contravention of section III(2)(b)(i) of the Minimum Housing and Health Standards which states that: All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.
- b. Insect screens were not installed in the windows that were intended for ventilation which is in contravention of section III(2)(b)(iii) of the Minimum Housing and Health Standards which states that: During the portion of the year when there is a need for protection against flies and other flying insects, every window or other device intended for ventilation shall be supplied with effective screens.
- c. The east window was not capable of being secured which is in contravention of section III(3)(a) of the Minimum Housing and Health Standards which states that: Exterior windows and doors shall be capable of being secured.
- d. The ceiling was in disrepair throughout the suite which is in contravention of section III(5) of the Minimum Housing and Health Standards which states that: All walls, windows, ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
- e. Carpet was installed in the kitchen food preparation area which is in contravention of section III(5) of the Minimum Housing and Health Standards which states that: All walls, windows, ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean and (5)(b) of the Minimum Housing and Health Standards which states that: Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.
- f. The suite was not supplied with an operational smoke alarm which is a contravention of section IV(12) of the Minimum Housing and Health Standards which states that: Smoke alarms within dwellings shall be installed between each sleeping area and the remainder of the suite; and, where hallways serve the sleeping areas the smoke alarms shall be installed within the hallway.
- g. The kitchen counter was damaged and could not be easily cleaned which is in contravention of section IV(14) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area, which includes (14)(iii) a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned.
- h. There was evidence of a mouse infestation which is in contravention of section V(16)(a) of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises are free of insect and rodent infestations.

Common Areas

- i. There was a hole (approx ½ ft by 1 ft) in the south wall inside common main floor entrance at the base of the stairs which is in contravention of section III(5) of the Minimum Housing and Health Standards which states that: All walls, windows, ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.

- j. The bathroom sink in the shared washroom was chipped, and was not smooth and easily cleaned which is in contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: Rooms containing a flush toilet and/or a bathtub or shower shall have walls and floors that are smooth, non-absorbent to moisture and easy to clean. All walls shall form a watertight joint with each other, the floor, the ceiling and where applicable with the bathtub or shower.
- k. The shower stall in the shared washroom was rusting, and was not smooth and easily cleaned which is in contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: Rooms containing a flush toilet and/or a bathtub or shower shall have walls and floors that are smooth, non-absorbent to moisture and easy to clean. All walls shall form a watertight joint with each other, the floor, the ceiling and where applicable with the bathtub or shower.
- l. There was a large amount of dirt and debris noted in the vents/ducting which is in contravention of section (5)(2) of the Minimum Housing and Health Standards which states that: No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.

AND WHEREAS, by virtue of the foregoing, the above noted premises are hereby declared to be **Closed for Tenant Accommodation Purposes**.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That above noted premises is to remain vacant.
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Ensure that all suite windows are provided with storm panes or double glazing. Ensure that all windows and doors are maintained in good repair, free of cracks and weatherproof.
 - b. Ensure all openable windows have effective screens installed during the portion of the year when there is a need for protection against flies and other flying insects.
 - c. Ensure that all exterior windows and doors are capable of being secured.
 - d. Repair the ceiling so it is in good repair. Ensure that any source of the water infiltration and damage is identified and corrected. All damaged materials must be removed/replaced. **Ensure that the directive outlined below as item (m) is followed prior to disturbing materials.**
 - e. Replace the carpet installed in the kitchen food preparation area with material such as tile or linoleum, which does not provide harbourage to dirt, grease, vermin and bacteria and are easily kept clean.

- f. Ensure that an operational smoke alarm is installed in the suite.
- g. Repair or replace the kitchen counter so that it is in good repair, smooth, non-absorbent to moisture and easy to clean.
- h. Ensure that a licensed Pest Control Operator is employed to rigorously treat for mice, in coordination with the treatment of other infested suites. **Provide copies of pest control reports to this office.** Disinfest the premises. The owner shall ensure that the housing premises are free of insect and rodent infestations; and (i) all situations requiring the application of pesticides shall be conducted in accordance with the Environmental Protection and Enhancement Act and regulation; and (ii) whenever a pesticide is applied in a dwelling, the occupant shall be notified in accordance with the latest edition of the Environmental Code of Practice for Pesticides published by Alberta Environmental Protection. (iii) it is the occupants responsibility to allow access in accordance to the Residential Tenancy Act to do whatever is necessary to ensure the dwelling unit is ready for pesticide application.

The building owner(s), property managers, and occupants/tenants must work together to discourage any pest infestation and/or nesting by employing a number of control methods and by performing continual building maintenance in areas of concern. All parties are advised to work with and adhere to any prescribed actions from the exterminator (pest control company) contracted to service the building, and to consider a combination of physical control measures consistent with an Integrated Pest Management program (IPM).

- i. Repair the hole in the south wall inside the common main floor entrance. Ensure that all walls, windows, ceilings, floors, and floor coverings in the common areas are maintained in good repair. **Ensure that the directive outlined below as item (m) is followed prior to disturbing materials.**
- j. Repair or replace the sink in the shared washroom so that it is in good condition, smooth, and easy to clean.
- k. Repair or replace the common shower stall so that it is in good condition, smooth, and easy to clean.
- l. Retain the services of a qualified contractor/technician to inspect, and clean as necessary, the furnace and ductwork affecting and connected to the building's rental premises. **Provide copies of these reports to this office.**
- m. As this building potentially contains hazardous materials and/or was built prior to 1990, prior to any renovation you must retain the services of an **Environmental Consultant or Industrial/Occupational Health Hygienist, approved by Alberta Health Services; and, prior to any renovations being completed, you must have the Environmental Consultant** assess the conditions within the above noted premises including applicable sampling for asbestos containing materials and carrying out of environmental air quality analyses of the interior

spaces (including the attic, ceiling and wall and floor cavities) for water and mould damage.

Provide a detailed assessment report and scope of work plan including a hazardous materials audit and management plan, as prepared by the Environmental Consultant, for review by Alberta Health Services.

Ensure that any additional renovation work, including painting, reinstallation of drywall and laying of new flooring and/or sub floors does not occur until suitable air sample results are received and are to the satisfaction of Alberta Health Services.

The owner is responsible for ensuring that any work is conducted in safe manner

- n. Ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant.
3. That until such time as the work referred to above is completed to the satisfaction of an Executive Officer of Alberta Health Services; the above noted premises shall remain closed for tenant accommodation purposes.

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further work may be required to ensure full compliance with the Public Health Act and regulations, or to prevent a public health nuisance.

DATED at Edmonton, Alberta, May 2, 2016

(Original Signed)
Rebecca Johnson, CPHI(C)
Executive Officer
Environmental Health Officer

* Confirmation of a verbal order issued to Henry Rutkowski on Friday, April 29, 2016

YOU HAVE THE RIGHT TO APPEAL	
A person who	a) is directly affected by a decision of a Regional Health Authority, and b) feels himself aggrieved by the decision
may appeal the decision within ten (10) days after receiving the order to the Public Health Appeal Board located at Reception, Main Floor, Telus Plaza, 10025 Jasper Avenue, Edmonton, Alberta, T5J 1S6, Telephone 780-427-2813 Fax 780-422-0914.	

The terms of this Order remain in effect notwithstanding the filing or proposed filing of any such appeal. If you appeal, you may also make an application to the Board for a stay of this Order pending the appeal.

A copy of the Public Health Appeal form may be obtained by contacting Alberta Health Services at 780-342-0122 or the Public Health Appeal Board 780-427-2813.

You are advised that all orders remain in effect pending such an appeal

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Health Legislation and regulations are available for purchase. Please contact Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Copies of standards are available by contacting the Health Protection Branch of Alberta Health at 780-427-4518, or by visiting: www.health.alberta.ca/about/health-legislation.html